

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1986

Part One. Legal status of the United Nations and related intergovernmental organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related intergovernmental organizations



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Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER- GOVERNMENTAL ORGANIZATIONS

1. Australia

REGULATIONS UNDER THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT, 1963¹

(a) International Organizations (Privileges and Immunities of Specialized Agencies) Regulation (Repeal)²

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

Repeal

Statutory Rules 1962 No. 105 are repealed.³

(b) United Nations (Privileges and Immunities) Regulations⁴

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

Citation

1. These Regulations may be cited as the United Nations (Privileges and Immunities) Regulations.

Interpretation

2. In these Regulations, "the Act" means the *International Organizations (Privileges and Immunities) Act 1963*.

Act to apply to the United Nations

3. The United Nations is declared to be an international organization to which the Act applies.

United Nations to have juridical personality and legal capacities

4. The United Nations—

- (a) is a body corporate with perpetual succession;
- (b) has the capacity to contract; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of instituting legal proceedings.

Privileges and immunities of the United Nations

5. (1) Subject to sub-regulations (2) and (3), the United Nations has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of the First Schedule to the Act.

(2) The United Nations is not, by virtue of sub-regulation (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the United Nations, whether owned or leased, as represent payment for specific services rendered.

(3) Where goods (not being publications of the United Nations) are imported, manufactured or purchased by the United Nations for sale by it, sub-regulation (1) does not operate to prevent sales tax being payable in relation to the goods by the United Nations or by any other person.

Privileges and immunities of the Secretary-General of the United Nations

6. (1) The office of Secretary-General of the United Nations is a high office in the United Nations.

(2) A person who holds, or is performing the duties of, the office of Secretary-General of the United Nations has the privileges and immunities specified in Part I of the Second Schedule to the Act.

(3) A person who has ceased to hold, or perform the duties of, the office of Secretary-General of the United Nations has the immunities specified in Part II of the Second Schedule to the Act.

Privileges and immunities of an Under-Secretary-General of the United Nations

7. (1) The office of Under-Secretary-General of the United Nations is a high office in the United Nations.

(2) A person who holds, or is performing the duties of, the office of Under-Secretary-General of the United Nations has the privileges and immunities specified in Part I of the Second Schedule to the Act.

(3) A person who has ceased to hold, or perform the duties of, the office of Under-Secretary-General of the United Nations has the immunities specified in Part II of the Second Schedule to the Act.

*Privileges and immunities of an Assistant Secretary-General
of the United Nations*

8. (1) The office of Assistant Secretary-General of the United Nations is a high office in the United Nations.

(2) A person who holds, or is performing the duties of, the office of Assistant Secretary-General of the United Nations has the privileges and immunities specified in Part I of the Second Schedule to the Act.

(3) A person who has ceased to hold, or perform the duties of, the office of Assistant Secretary-General of the United Nations has the immunities specified in Part II of the Second Schedule to the Act.

*Privileges and immunities of representatives to
the United Nations*

9. (1) A person who is accredited to, or is in attendance at an international conference convened by, the United Nations as a representative of a country (other than Australia) has the privileges and immunities specified in Part I of the Third Schedule to the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the United Nations as a representative of a country (other than Australia) has the immunities specified in Part II of the Third Schedule to the Act.

*Privileges and immunities of officers (other than high officers)
of the United Nations*

10. (1) Subject to sub-regulation (2), a person who holds an office in the United Nations, other than a person who holds, or is performing the duties of, an office specified in sub-regulation 6 (1), 7 (1) or 8 (1), has the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

(2) A person to whom sub-regulation (1) applies does not have the right to export furniture and effects free of duties when leaving Australia on the termination of his or her functions.

(3) A person who has ceased to hold an office in the United Nations, other than an office specified in sub-regulation 6 (1), 7 (1) or 8 (1), has the immunities specified in Part II of the Fourth Schedule to the Act.

*Privileges and immunities of persons performing missions
for the United Nations*

11. (1) A person who is performing, whether alone or jointly with other persons, a mission on behalf of the United Nations has the privileges and immunities specified in paragraphs, 1, 2, 3, 4, 5 and 6 of Part I of the Fifth Schedule to the Act.

(2) A person who has performed a mission on behalf of the United Nations has the immunities specified in Part II of the Fifth Schedule to the Act.

Waiver of privileges and immunities

12. (1) The Security Council of the United Nations may waive any privileges and immunities to which—

(a) the United Nations; or

(b) a person upon whom privileges and immunities are conferred by regulation 6,

is entitled by virtue of the Act or these Regulations.

(2) The Secretary-General of the United Nations may waive any privileges and immunities to which a person upon whom privileges and immunities are conferred by regulation 7, 8, 10 or 11 is entitled by virtue of the Act or these Regulations.

(3) The Government of a country referred to in regulation 8 may waive any privileges and immunities to which a person upon whom privileges and immunities are conferred by that regulation is entitled by virtue of the Act or these Regulations.

(c) Specialized Agencies (Privileges and Immunities) Regulations⁵

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

Citation

1. These Regulations may be cited as the Specialized Agencies (Privileges and Immunities) Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears—

“Specialized Agency” means an agency specified in Column 2 of an item in the Schedule;

“the Act” means the *International Organizations (Privileges and Immunities) Act 1963*.

Act to apply to Specialized Agencies

3. Each Specialized Agency is declared to be an international organization to which the Act applies.

Specialized Agencies to have juridical personality and legal capacities

4. Each Specialized Agency—

(a) is a body corporate with perpetual succession;

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and instituting legal proceedings.

Privileges and immunities of Specialized Agencies

5. (1) Subject to sub-regulations (3) and (4), each of the following Specialized Agencies, namely:

- (a) the International Monetary Fund;
- (b) the International Bank for Reconstruction and Development;
- (c) the International Finance Corporation;
- (d) the International Development Association.

has the privileges and immunities specified in the First Schedule to the Act.

(2) Subject to sub-regulations (3) and (4), a Specialized Agency, not being a Specialized Agency specified in sub-regulation (1), has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of the First Schedule to the Act.

(3) A Specialized Agency is not, by virtue of sub-regulation (1) or (2), as the case requires, exempt from such national, regional or municipal dues and taxes in respect of the premises of the Specialized Agency, whether owned or leased, as represent payment for specific services rendered.

(4) Where goods (not being publications of the Specialized Agency) are imported, manufactured or purchased by a Specialized Agency for sale by it, sub-regulation (1) or (2), as the case requires, does not operate to prevent sales tax being payable in relation to the goods by the Specialized Agency or by any other person.

Privileges and immunities of high officers of Specialized Agencies

6. (1) The office, or each of the offices, specified in Column 3 of an item in the Schedule is declared to be a high office in the Specialized Agency specified in Column 2 of that item.

(2) A person who holds, or is performing the duties of, a high office in a Specialized Agency has the privileges and immunities specified in Part I of the Second Schedule to the Act.

(3) A person who has ceased to hold, or perform the duties of, a high office in a Specialized Agency has the immunities specified in Part II of the Second Schedule to the Act.

Privileges and immunities of representatives to the Specialized Agencies

7. (1) A person who is in attendance at an international conference convened by a Specialized Agency as a representative of a country (other than Australia) has the privileges and immunities specified in Part I of the Third Schedule to the Act.

(2) A person who has attended an international conference convened by a Specialized Agency as a representative of a country (other than Australia) has the immunities specified in Part II of the Third Schedule to the Act.

Privileges and immunities to officers (other than high officers) of Specialized Agencies

8. (1) Subject to sub-regulation (2), a person who holds an office in a Specialized Agency, other than a person who holds, or is performing the duties of, an office specified in Column 3 of an item in the Schedule, has the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

(2) A person to whom sub-regulation (1) applies does not have the right to export furniture and effects free of duties when leaving Australia on the termination of his or her functions in relation to a Specialized Agency.

(3) A person who has ceased to hold an office in a Specialized Agency, other than an office specified in Column 3 of an item in the Schedule, has the immunities specified in Part II of the Fourth Schedule to the Act.

*Privileges and immunities of persons performing missions
for a Specialized Agency*

9. (1) A person who is serving on a committee of a Specialized Agency to which this sub-regulation applies or is performing, whether alone or jointly with other persons, a mission on behalf of such a Specialized Agency has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5 and 6 of Part I of the Fifth Schedule to the Act.

(2) Sub-regulation (1) applies to—

- (a) the Food and Agriculture Organization of the United Nations;
- (b) the World Health Organization;
- (c) the International Maritime Organization;
- (d) the World Intellectual Property Organization;
- (e) the International Fund for Agricultural Development; and
- (f) the United Nations Industrial Development Organization.

(3) A person who is serving on a committee of a Specialized Agency to which this sub-regulation applies or is performing, whether alone or jointly with other persons, a mission on behalf of such a Specialized Agency has the privileges and immunities specified in paragraphs 1, 2, 3, 5 and 6 of Part I of the Fifth Schedule to the Act.

(4) Sub-regulation (3) applies to—

- (a) the International Labour Organisation; and
- (b) the International Civil Aviation Organization.

(5) A person who is serving on a committee of a Specialized Agency to which this sub-regulation applies or is performing, whether alone or jointly with other persons, a mission on behalf of such a Specialized Agency has the privileges and immunities specified in paragraphs 1, 2, 5 and 6 of Part I of the Fifth Schedule to the Act.

(6) Sub-regulation (5) applies to the United Nations Educational, Scientific and Cultural Organization.

(7) A person who has served on a committee of, or performed a mission for, a Specialized Agency to which this sub-regulation applies has the immunities specified in Part II of the Fifth Schedule to the Act.

(8) Sub-regulation (7) applies to—

- (a) the International Labour Organisation;
- (b) the Food and Agriculture Organization of the United Nations;
- (c) the International Civil Aviation Organization;
- (d) the United Nations Educational, Scientific and Cultural Organization;
- (e) the World Health Organization;
- (f) the International Maritime Organization;

- (g) the World Intellectual Property Organization; and
- (h) the International Fund for Agricultural Development.

Waiver of privileges and immunities

10. (1) A Specialized Agency may waive any privileges and immunities to which—

- (a) the Specialized Agency;
 - (b) a person who holds or has ceased to hold an office in the Specialized Agency;
 - (c) a person who is serving, or has served, on a committee of the Specialized Agency; or
 - (d) a person who is performing, or has performed, whether alone or jointly with other persons, a mission on behalf of the Agency,
- is entitled by virtue of the Act or these Regulations.

(2) The Government of a country referred to in regulation 7 may waive any privileges and immunities to which a person upon whom privileges and immunities are conferred by that regulation is entitled by virtue of the Act or these Regulations.

Regulations 2 and 6

SCHEDULE

SPECIALIZED AGENCIES—HIGH OFFICES

<i>Column 1 Item</i>	<i>Column 2 Agency</i>	<i>Column 3 Office</i>
1	International Labour Organisation	Director-General of the International Labour Office Deputy Director-General of the International Labour Office Assistant Director-General of the International Labour Office
2	Food and Agriculture Organization of the United Nations	Director-General Deputy Director-General Assistant Director-General
3	International Civil Aviation Organization	Secretary-General of the Council President of the Council
4	United Nations Educational, Scientific and Cultural Organization	Director-General Deputy Director-General
5	International Monetary Fund	Managing Director
6	International Bank for Reconstruction and Development	President

SCHEDULE — continued

<i>Column 1</i> Item	<i>Column 2</i> Agency	<i>Column 3</i> Office
7	World Health Organization	Director-General Deputy Director-General Assistant Director-General Regional Director
8	Universal Postal Union	Director-General of the International Bureau
9	International Telecommunication Union	Secretary-General
10	World Meteorological Organization	Secretary-General
11	International Maritime Organization	Secretary-General Deputy Secretary-General Secretary of the Maritime Safety Committee
12	International Finance Corporation	President
13	International Development Association	President
14	World Intellectual Property Organization	Director-General Deputy Director-General
15	International Fund for Agricultural Development	President Vice-President
16	United Nations Industrial Development Organization	Director-General Deputy Director-General

(d) International Atomic Energy Agency (Privileges and Immunities) Regulations⁶ (Amendment)⁷

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

Principal Regulations

1. In these Regulations, "Principal Regulations" means the International Atomic Energy Agency (Privileges and Immunities) Regulations.

2. Regulations 8 and 9 of the Principal Regulations are repealed and the following regulations substituted:

*Privileges and immunities of officers (other than
high officers) of the Agency*

“8. (1) A person who holds an office in the Agency, other than a person who holds, or is performing the duties of, an office specified in sub-regulation 6 (1), has the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

“(2) A person who has ceased to hold an office in the Agency, other than an office specified in sub-regulation 6 (1), has the immunities specified in Part II of the Fourth Schedule to the Act.

*Privileges and immunities of other persons
connected with the Agency*

“9. (1) A person who is serving on a committee, or is participating in the work, of the Agency or is performing, whether alone or jointly with other persons, a mission on behalf of the Agency has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5 and 6 of Part I of the Fifth Schedule to the Act.

“(2) A person who has served on a committee, or participated in the work, of the Agency or performed a mission on behalf of the Agency has the immunities specified in Part II of the Fifth Schedule to the Act.”

Repeal of regulation 11

3. Regulation 11 of the Principal Regulations is repealed.

*(e) International Atomic Energy Agency (Privileges and
Immunities) Regulation (Amendment)⁸*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

*Privileges and immunities of officers of Agency
other than High Officers*

Regulation 8 of the International Atomic Energy Agency (Privileges and Immunities) Regulations is amended by omitting sub-regulations (3) and (4).

*(f) International Court of Justice (Privileges and Immunities)
Regulation⁹ (Amendment)¹⁰*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963*.

Dated 17 April 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Bill HAYDEN
Minister of State for Foreign Affairs

*Privileges and immunities of officers of Court
other than the Registrar*

Regulation 5 of the International Court of Justice (Privileges and Immunities) Regulations is amended by omitting sub-regulations (3) and (4).

2. Ghana

EXTERNAL COMPANIES AND DIPLOMATIC MISSIONS (ACQUISITION OR RENTAL OF IMMOVABLE PROPERTY) LAW, 1986¹¹

In pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

1. (1) There is hereby established a Committee which shall perform the functions conferred on it by this Law and shall in addition generally ensure the implementation of the provisions thereof.

(2) The Committee shall consist of the following members:

(a) the Secretary responsible for Foreign Affairs or his representative not below the rank of a Director who shall be the Chairman;

(b) the Governor of the Bank of Ghana or his representative not below the rank of a Director;

(c) the Chairman of the Land Valuation Board or his representative not below the rank of a Director.

(3) The Committee shall for the performance of its functions under this Law regulate its own procedure.

2. (1) No lease or other tenancy or renewal of such lease or tenancy or assignment or sale of any immovable property situated in Ghana shall be granted or made by any person to a diplomatic mission, consulate, international organisation, an external company or an official thereof unless that person has the consent in writing of the Committee.

(2) Any person who, on or after the 31st day of December, 1981 and before the commencement of this Law, has granted a lease or other tenancy of the kind referred to in subsection (1) of this section shall within three months after the commencement of this Law apply in writing for the concurrence of the Committee in respect of such lease or other tenancy.

(3) The provisions of subsections (1) and (2) shall not apply where such lease or other tenancy is granted by the Government or such assignment or sale is made by the Government.

3. (1) Subject to the provisions of section 7 of this Law:

(a) the rent payable in respect of any immovable property situated in Ghana under any lease or tenancy agreement granted by any person to a diplomatic mission, consulate, international organisation, an external company or an official thereof; or

(b) any premium payable in respect of any such property to be let to a diplomatic mission, consulate, international organisation, an external company or an official thereof; or

(c) the purchase price of any such property where it is sold or assigned to a diplomatic mission, consulate, international organisation, an external company or an official thereof,

shall be determined and paid in convertible currency.

(2) Any such rent, premium or purchase price that is determined by the landlord or owner shall be subject to approval or variation by the Committee.

(3) Any subsequent variation in the rent payable in respect of any such lease or other tenancy under subsection (1) of this section shall be determined by the Committee upon application made in writing to the Committee by the landlord.

4. Subject to section 7 of this Law, any diplomatic mission, consulate, international organisation, external company or an official thereof being a lessee or tenant under any lease or tenancy agreement in respect of any immovable property situated in Ghana, or an assignee or purchaser of any such property shall pay the rent, premium or purchase price in respect of such property in convertible currency notwithstanding any agreement to the contrary.

5. (1) Any rent, premium or purchase price payable under sections 3 and 4 of this Law shall be paid through the Secretary for Foreign Affairs by cheque drawn in favour of the Bank of Ghana to the credit of the landlord or owner to whom the rent, premium or purchase price is due.

(2) The Secretary shall, upon receipt of any such rent, premium or purchase price, pay it to the Bank of Ghana.

(3) The Bank of Ghana shall, upon the receipt of such rent, premium or purchase price, lodge the amount so paid into a suspense account pending clearance of the cheque by the Bank, and the landlord or owner to whom the amount is due shall, upon clearance of the cheque, be paid by the Bank of Ghana the cedi equivalent at the prevailing rate of exchange such part of the amount as the Committee may determine.

(4) The remaining part of the amount not paid in cedis under subsection (3) of this section shall be retained by the Bank of Ghana and paid in convertible currency into a foreign exchange account opened by the landlord or owner to whom the amount is due with any commercial bank approved by the Bank of Ghana.

6. (1) Any immovable property to which this Law applies shall be subject to valuation by the Land Valuation Board for the purpose of ascertaining

and determining the rent, premium or purchase price payable in respect of such property under any lease, tenancy agreement, assignment or sale.

(2) The Land Valuation Board may from time to time review the valuation of any immovable property to which this Law applies for the purpose of ascertaining and determining the appropriate rent payable in relation thereto.

(3) For the purpose of ascertaining the capital value or purchase price of any property to which this Law applies the Land Valuation Board may take into account the rental value of the property.

7. The provisions of sections 3 and 4 of this Law shall not apply in the case of such diplomatic mission, consulate or international organisation as the Secretary for Foreign Affairs may specify after consultation with Council, being a diplomatic mission, consulate or international organisation which is permitted under an existing bilateral loan or other agreement between the Government and the Government of the accredited diplomatic mission or consulate or the international organisation to keep cedjis for its day-to-day maintenance or running expenses.

8. (1) Where on or after the 31st day of December, 1981, and before the commencement of this Law any person who had received any amount in convertible currency in respect of any immovable property and was obliged by law to surrender such amount to the Bank of Ghana had not surrendered such amount to the Bank of Ghana he shall be liable to pay the amount in convertible currency to the Bank of Ghana within three months after the commencement of this Law.

(2) Where such person fails to surrender the amount in convertible currency under subsection (1) of this section the amount that is recoverable from him shall be offset against any amount payable to him in convertible currency under section 5 of this Law.

(3) The Committee shall determine how much of the amount so paid to the Bank of Ghana under subsection (1) of this section shall be payable to such person in cedjis and the Bank of Ghana shall pay him that amount.

9. (1) Any person who contravenes any of the provisions of this Law or obstructs any person in the performance of his functions under section 6 or otherwise interferes with the valuation of such immovable property shall be guilty of an offence.

(2) Where an offence under subsection (1) of this section is committed by a diplomatic mission, consulate, international organisation or an official of a diplomatic mission, consulate or international organisation the Secretary for Foreign Affairs may take the necessary diplomatic action against such mission, consulate, organisation or official.

(3) Where an offence under subsection (1) of this section is committed by a person or body other than those specified in subsection (2) of this section such person or body shall be liable upon summary conviction to a fine not exceeding ₵100,000.00 or to a term of imprisonment not exceeding two years or to both.

(4) Subject to subsection (3) of this section where an offence under this Law is committed by a body of persons then—

(a) in the case of a body corporate other than a partnership, every director, secretary or other officer of that body shall be deemed to be guilty of that offence;

(b) in the case of a partnership or firm every partner shall be deemed to be guilty of that offence.

(5) No person shall be deemed to be guilty of an offence under subsection (4) of this section if he proves that the act in respect of which he is charged was committed by some other person without his knowledge or consent and that he exercised all such diligence to prevent the commission of that act as he ought to have exercised having regard to all the circumstances.

10. The Secretary for Foreign Affairs may by legislative instrument make such regulations as are necessary to give full effect to this Law.

11. In this Law—

“Council” means the Provisional National Defence Council;

“external company” has the meaning assigned to it in section 302 of the Companies Code, 1963 (Act 179);

“immovable property” includes land, any house, building or structure whatsoever, and any estate, interest or right in or over land;

“landlord” includes an agent of the landlord;

“owner” includes a lessor or lessee of any immovable property or an agent of the owner.

12. The Rent (Amendment) (No. 3) Decree, 1979 (A.F.R.C.D. 51) is hereby repealed.

Made this 13th day of May, 1986.

FLT.-LT. Jerry John RAWLINGS
Chairman of the Provisional National Defence Council

3. Ireland

DIPLOMATIC RELATIONS AND IMMUNITIES ACT, 1967¹²

(a) Intergovernmental Organisation for International Carriage by Rail (OTIF) (Designation of Organisation) Order, 1986¹³

WHEREAS it is enacted by section 40(1) of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), that the Government may by order designate an international organisation of which the State or the Government is or intends to become a member to be an organisation to which Part VIII of that Act applies:

AND WHEREAS the Intergovernmental Organisation for International Carriage by Rail (OTIF) is an organisation such as aforesaid:

Now, the Government, in exercise of the powers conferred on them by section 40 of the said Diplomatic Relations and Immunities Act, 1967, hereby order as follows:

1. This Order may be cited as the Intergovernmental Organisation for International Carriage by Rail (OTIF) (Designation of Organisation Order, 1986).

2. The Intergovernmental Organisation for International Carriage by Rail (OTIF) is hereby designated as an organisation to which Part VIII of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), applies.

3. Article 1.2 (which is set out in the Schedule to this Order) of, and the Protocol annexed to, the Convention concerning International Carriage by Rail (COTIF) done at Berne on the 9th day of May, 1980, shall apply for the purposes of section 42 of the Diplomatic Relations and Immunities Act, 1967.

SCHEDULE

The Organisation shall have legal personality. It shall in particular have the capacity to enter into contracts, to acquire and dispose of movable and immovable assets and to be a party to legal proceedings.

The Organisation members of its staff, experts called in by it and representatives of Member States shall enjoy such privileges and immunities as are necessary to discharge their duties, subject to the conditions laid down in the Protocol annexed to the Convention, of which the Protocol shall form an integral part.

Relations between the Organisation and the State in which it has its headquarters shall be regulated by a Headquarters Agreement.

GIVEN under the Official Seal of the Government, this 4th day of March 1986.

(b) International Centre for the Study of the Preservation and Restoration of Cultural Property (Designation of Organisation) Order, 1986¹⁴

WHEREAS it is enacted by section 40(1) of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), that the Government may by order designate an international organisation of which the State or the Government is or intends to become a member to be an organisation to which Part VIII of that Act applies:

AND WHEREAS the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) is an organisation such as aforesaid:

NOW, the Government, in exercise of the powers conferred on them by section 40 of the said Diplomatic Relations and Immunities Act, 1967, hereby order as follows:

1. This Order may be cited as the International Centre for the Study of the Preservation and Restoration of Cultural Property (Designation of Organisation) Order, 1986.

2. The International Centre for the Study of the Preservation and Restoration of Cultural Property (known as ICCROM) is hereby designated as an organisation to which Part VIII of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), applies.

GIVEN under the Official Seal of the Government this 18th day of November 1986.

(c) International Fund for Ireland (Designation and Immunities)
Order, 1986¹⁵

WHEREAS it is enacted by section 40(1) of the Diplomatic Relations and Immunities Act, 1967 (No. 3 of 1967), that the Government may by order designate an international organisation of which the State or the Government is or intends to become a member to be an organisation to which Part VIII of that Act applies:

AND WHEREAS the International Fund for Ireland is an organisation such as aforesaid:

Now, the Government, in exercise of the powers conferred on them by section 40 of the said Diplomatic Relations and Immunities Act, 1967, hereby order as follows:

1. (i) This Order may be cited as the International Fund for Ireland (Designation and Immunities) Order, 1986.

(ii) This Order shall come into operation on the 12th day of December, 1986.

2. The International Fund for Ireland is hereby designated as an organisation to which Part VIII of the Diplomatic Relations and Immunities Act, 1967 (No. 8 of 1967), applies.

3. Article 5 (a copy of which is set out in the Schedule to this Order) of the Agreement between the Government of Ireland and the Government of the United Kingdom concerning the International Fund for Ireland done in two originals at both Dublin and London on the 18th day of September, 1986, shall apply for the purposes of section 42 of the Diplomatic Relations and Immunities Act, 1967.

SCHEDULE

Article 5 of the Agreement between the Government of Ireland and the Government of the United Kingdom concerning the International Fund for Ireland.

Article 5

(1) The Fund is established as an international organisation of which the two Governments are members.

(2) The Fund shall have legal personality. Its legal capacity shall include the capacity to contract, to acquire and dispose of property and to institute legal proceedings. In particular it shall have power to enter into agreements with any donor consistent with the provisions of this Agreement provided that neither Government has indicated any objection. The Fund shall be exempt from the payment of direct taxes.

GIVEN under the Official Seal of the Government, this 4th day of December 1986.

4. Mexico

AGREEMENT SETTING FORTH THE REGULATIONS PERTAINING TO AUTOMOBILES PURCHASED IN THE COUNTRY WITH A SUBSIDY OR IMPORTED DUTY-FREE¹⁶

Jesús Silva Herzog, Secretary of Finance and Public Credit, based on article 31, section IV, of the Organic Act of the Federal Public Administration, article 12, section I, articles 30, 37 and 38 of the Act concerning the Federal Vehicle Registry, article 13 of the Act on Revenue of the Federation for Fiscal Year 1986, and after consulting the Secretary for Foreign Affairs, and

WHEREAS,

The Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963 entered into force for the United Mexican States on 16 June 1965 and 19 March 1967 respectively, having been approved by the distinguished Senate of the Republic and the relevant instrument of ratification having been deposited,

The United Mexican States has also concluded a number of bilateral conventions and agreements concerning diplomatic and consular relations with other foreign States,

The United Mexican States has concluded a number of conventions and agreements with international organizations wishing to establish their headquarters or offices in Mexico,

The aforesaid bilateral and multilateral conventions and agreements set forth Mexico's international legal commitments in respect of diplomatic and consular privileges and immunities, including that of purchasing and bringing into the country automobiles for the use of foreign government missions and the international organizations' offices and their respective staff,

The Government of the United Mexican States has seen fit to contemplate, as an additional privilege, a subsidy in respect of the tax on new automobiles to encourage purchases of new Mexican-made vehicles by the said foreign government missions and international organizations offices and their respective staff, has seen fit to issue the following:

AGREEMENT

Article 1. The purpose of the present Agreement is to set forth the regulations applicable to foreign diplomatic and consular missions and their staff, duly accredited to the Government of the United Mexican States, and to the offices of international organizations and their staff which are represented or have their headquarters in Mexican territory in respect of:

- I. Purchases of automobiles, with subsidy in respect of the tax on new automobiles, and sale thereof in Mexican territory;
- II. Duty-free import of automobiles;
- III. Deadlines for registering and obtaining plates for such automobiles.

Article 2. The following may benefit by the present Agreement:

- I. Diplomatic and consular missions of foreign States accredited to the Government of the United Mexican States;

II. Foreign members of the staff of such missions, in the terms of the Vienna Conventions on Diplomatic Relations and on Consular Relations of 1961 and 1963, who are duly accredited to the Secretariat for Foreign Affairs;

III. Offices of international organizations represented or having their headquarters in Mexico, accredited to the Government of the United Mexican States;

IV. Foreign members of the staff of such offices who are duly accredited to the Secretariat for Foreign Affairs.

Article 3. Automobile companies or their dealers, as appropriate, shall be granted a subsidy equal to 100 per cent of the tax on new automobiles to encourage the sale of Mexican-made automobiles to missions and offices and to the foreign staff thereof to whom the present Agreement applies, provided that such benefits are passed on to the buyer and provided that the price paid by the buyer is not higher than that paid by the dealer. Automobile companies shall inform the Secretariat of Finance and Public Credit when they apply the benefit, specifying to whom it has been passed on.

Article 4. Missions and offices to which the present Agreement applies may purchase, with subsidy in respect of the tax on new automobiles in the country, such new Mexican-made automobiles as the Secretariat for Foreign Affairs deems, after consulting with the Secretariat of Finance and Public Credit, they require for the performance of their official functions. These automobiles may not be sold in Mexico until three years after the date of their purchase, or earlier in the event that the mission or office withdraws. If the sale is effected without meeting either of the above conditions, the mission or office in question shall reimburse to the Secretariat of Finance and Public Credit the subsidy in respect of the tax on new automobiles according to the percentages set forth in article 13.

Article 5. Missions and offices to which the present Agreement applies may import into Mexico, duty-free, such foreign-made automobiles as the Secretariat for Foreign Affairs deems, after consulting with the Secretariat of Finance and Public Credit, they require for the performance of their official functions. These automobiles may not be sold in Mexico and must be taken out of the country when they are no longer to be used for the performance of official functions, unless they are transferred in accordance with article 12 of the present Agreement, or are certified by a competent authority as being totally wrecked, or are relinquished specifically to the Secretariat of Finance and Public Credit.

Article 6. The automobiles referred to in articles 4 and 5 of the present Agreement shall be subject to the following provisions:

I. Their number shall, in the opinion of the Secretariat for Foreign Affairs, bear a reasonable relationship to the size of each mission or office;

II. They may circulate within Mexico only for the performance of official functions of the said missions and offices;

III. They may be driven only by:

(a) Foreign staff of missions and offices who are duly accredited to the Secretariat for Foreign Affairs. Members of their family may not drive these automobiles;

(b) Service staff engaged by the missions or offices for that purpose, who are duly registered therefor with the Secretariat for Foreign Affairs.

Article 7. Each member of the foreign staff of the missions and offices referred to in the present Agreement may purchase Mexican-made automobiles with the subsidy in respect of the tax on new vehicles in the country. These automobiles may not be sold in Mexico until three years after the date of their purchase, or earlier in the event that the owner dies. If the sale is effected without meeting either of the above conditions, the subsidy in respect of the tax on new automobiles shall be reimbursed to the Secretariat of Finance and Public Credit according to the percentages set forth in article 13.

Article 8. Each member of the foreign staff of the missions and offices referred to in the present Agreement, save members of the administrative and technical or service staff, may import duty-free into Mexico one foreign-made automobile for their personal use and that of the foreign members of their family duly accredited to the Secretariat for Foreign Affairs. These automobiles may not be sold in Mexico and must be taken out of the country upon completion of the beneficiary's assignment, unless they are transferred in accordance with article 12 of the present Agreement, or are certified by a competent authority as being totally wrecked, or are relinquished specifically to the Secretariat of Finance and Public Credit.

Article 9. Foreign members of the administrative and technical staff or, in the event of reciprocity, of the service staff of the missions and offices referred to in the present Agreement, may import into Mexico, duty-free, one foreign-made automobile for their personal use and that of the foreign members of their family duly accredited to the Secretariat for Foreign Affairs. These automobiles shall be equal or similar to Mexican-made automobiles and shall be included in the lists published annually for this purpose by the Secretariat of Trade and Industrial Development. Such automobiles may not be sold within Mexico and must be taken out of the country upon completion of the beneficiary's assignment, unless they are transferred in accordance with article 12 of the present Agreement, or are certified by a competent authority as being totally wrecked or are relinquished specifically to the Secretariat of Finance and Public Credit.

Article 10. The automobiles referred to in articles 7, 8 and 9 of the present Agreement shall be subject to the following provisions:

I. They may be driven only by:

(a) The member of the foreign staff of the missions and offices in whose name they are registered;

(b) Foreign members of their family duly accredited to the Secretariat for Foreign Affairs;

(c) Any service staff engaged for that purpose, duly registered therefor with the Secretariat for Foreign Affairs.

II. No member of the foreign staff of the missions and offices referred to in the present Agreement may bring into Mexico, with permission to import temporarily or duty-free, more than one foreign-made automobile at a time.

Article 11. None of the automobiles imported duty-free referred to in the present Agreement may be a sports car or convertible different from those produced within Mexico.

Article 12. The automobiles referred to in the present Agreement may be transferred under the terms of this Agreement to other missions and offices, or to staff members thereof who are entitled to such automobiles and are duly accredited.

ited to the Secretariat for Foreign Affairs. Where an automobile referred to in articles 4 and 7 is so transferred, the three years that must elapse prior to resale to a third party shall be calculated from the date of the initial purchase.

Article 13. If one of the automobiles referred to in articles 4 and 7 of the present Agreement is sold prior to the term established therein, the seller shall be required, save as provided for in article 12, to pay the Secretariat of Finance and Public Credit a percentage of the subsidy in respect of the tax on new automobiles according to the following table:

<i>Time elapsed since the date of purchase</i>	<i>Percentage of tax to be paid</i>
Up to 12 months	100 per cent
12-18 months	75 per cent
18-24 months	50 per cent
24-36 months	25 per cent
over 36 months	exempt

Article 14. An individual wishing to receive the subsidy referred to in article 3 shall submit an application through the Secretariat for Foreign Affairs; the latter shall confirm the applicant's status and refer the request to the Secretariat of Finance and Public Credit which shall be responsible for granting the subsidy. Within six working days following receipt of the application, the Secretariat of Finance and Public Credit shall deliver to the applicant a communication addressed to the appropriate automobile company or dealer, authorizing application of the subsidy in respect of the tax on new automobiles to purchase of the automobile.

Article 15. When submitting its monthly statement concerning the tax on new automobiles, any company which has sold automobiles to persons referred to in article 1 shall deliver to the Federal Office of Finance the communication addressed to it by the Secretariat of Finance and Public Credit, together with a statement that the automobile was sold to the person named in the authorization.

Article 16. Applications for the subsidy in respect of the tax on new automobiles referred to in articles 4 and 7 and applications for duty-free import referred to in articles 5, 8 and 9, as well as applications for transfer and replacement in the event of an automobile being totally wrecked and applications for final export, shall be made by the officials of the missions and offices to which the present Agreement applies to the Secretariat for Foreign Affairs; the latter shall refer them to the Secretariat of Finance and Public Credit for a decision.

Article 17. Where they have been brought into the country under a temporary import permit, the automobiles referred to in articles 5, 8 and 9 of the present Agreement may circulate within Mexico only with foreign plates and only for the time needed to obtain the duty-free import authorization, registration and respective plates; this time shall in no case exceed 120 working days. To that end, missions and offices shall apply for duty-free import authorization, registration and respective plates within 20 working days following the granting of a temporary import permit.

Article 18. The automobiles for which a duty-free import authorization has been obtained shall be registered provisionally in the Federal Vehicle Registry of the Secretariat of Finance and Public Credit.

Article 19. All commercial activity, including sale or rental to third parties of the automobiles referred to in the present Agreement, and any other activity, including any activity for which there is no charge, that violate the provisions of this Agreement shall be prohibited.

Article 20. The Secretariat of Finance and Public Credit, in coordination with the Secretariat for Foreign Affairs, shall monitor compliance with the requirements and conditions provided for in the present Agreement.

Article 21. The Secretariat of Finance and Public Credit, after consulting the Secretariat for Foreign Affairs, may issue such general regulations as may be necessary for the implementation of this Agreement.

TRANSITIONAL PROVISIONS

Article one. This Agreement shall enter into force the day following its publication in the *Diario Oficial de la Federación*.

Article two. No provision of the present Agreement may be applied retroactively to the detriment of the missions, offices and the staff thereof to which the Agreement refers.

Article three. Foreign-made automobiles which are the property of missions, offices and the staff thereof to which the present Agreement applies, which are in Mexican territory on the date this Agreement comes into force, shall continue to be governed by the relevant Agreement published in the *Diario Oficial de la Federación* of 18 September 1980 until they leave the country; for all other purposes that Agreement is hereby abrogated.

Article four. The Agreement setting forth the regulations to be applied for the award of the subsidy in respect of the tax on new Mexican-made automobiles sold to foreign Governments and diplomatic and consular staff accredited to Mexico and to international organizations represented or having their headquarters in Mexico, published in the *Diario Oficial de la Federación* of 17 August 1983, is hereby abrogated.

5. Netherlands

NOTE DATED 3 AUGUST 1987 FROM THE PERMANENT MISSION OF THE KINGDOM OF THE NETHERLANDS TO THE UNITED NATIONS

The exemption of payment of social securities as enjoyed by, *inter alia*, officials of the United Nations has been reaffirmed in a joint decree by the State Secretary of Employment and Social Security and the Minister for Foreign Affairs on 31 December 1986, No. 10735.

6. Senegal

DECREE NO. 86.060 OF 13 JANUARY 1986 AMENDING THE CODE OF CIVIL PROCEDURE (EXTRACTS)¹⁷

Paragraph 2 *bis*: interlocutory plea of immunity from jurisdiction.

Article 116-1

A party on whom a writ or summons has been served in a civil, commercial or social case and who enjoys immunity from jurisdiction by reason of international conventions on diplomatic and consular relations or under headquarters agreements and agreements of establishment in force may, without being obliged to appear, be recognized as enjoying the said immunity on the intervention of the Government Procurator's Department.

Article 116-2

For that purpose, the party shall transmit the writ or summons served on him to the Minister responsible for Foreign Affairs indicating the agreement or convention that grants the immunity asserted and the status that confers an entitlement to invoke it.

Where the Minister responsible for Foreign Affairs finds that the person summoned is not entitled to invoke immunity from jurisdiction, he shall return the documents to him with his observations.

If the verifications made establish that the person summoned does indeed enjoy the immunity invoked, the Minister responsible for Foreign Affairs shall draw up a certificate of accreditation which he shall transmit to the Minister of Justice, together with the writ or summons and the assertion of immunity formulated by the party.

The Minister of Justice shall then forward these documents without delay to the government procurator at the regional court within whose jurisdiction the court to which application has been made since in the case of a departmental court, a labour court or a regional court, or to the Procurator-General of the Court of Appeal, in the case of the Court of Appeal.

The plaintiff, on being informed of the issuance of the certificate of accreditation, may submit his case to the Minister of Justice, who shall transmit it to the Minister for Foreign Affairs in order to enable the latter to make application to the accrediting State or authority in order to ask them if they are able, having inspected the documents transmitted and in the case in question, to enjoin their agent to respect the law and regulations of Senegal with a view to an amicable settlement of the dispute and, in the absence of an agreed settlement, to waive the immunity from jurisdiction and enforcement enjoyed by the said agent.

Article 116-3

The government procurator at the regional court, where the court to which application has been made is a departmental court, a labour court or a regional court, or the Procurator-General, in the case of the Court of Appeal, shall intervene in the proceedings to enter the interlocutory plea of immunity from jurisdiction.

The interlocutory plea of immunity from jurisdiction shall be receivable at any stage of the proceedings.

The court to which application has been made shall forthwith pronounce the decision on immunity from jurisdiction, the cost of which shall be borne by the Treasury.

Article 116-4

The government procurator at the regional court may even file an interim injunction on compelling grounds, an appeal or an application to vacate judgement, as appropriate, in order to put forward the plea of immunity from jurisdiction where, in the event of non-appearance of the party summoned a decision has been rendered before he has received notification of the status of the said party.

His intervention before the departmental, labour or regional courts, or before the Court of Appeal, is subject to no time-limit, notwithstanding the time-limits provided on the matter for appeal or application to vacate judgement.

Notice of appeal or application to vacate judgement shall be given simply by means of declaration to the registry of the Court of Appeal, the regional court or the labour court. Where the appeal is to be heard by a chamber of the Court of Appeal, the government procurator of the regional court shall transmit the writ or summons and the certificate of accreditation to the Procurator-General of the Court of Appeal whose function it is to enter the interlocutory plea of jurisdictional immunity.

The interim injunction on compelling grounds, appeal or application to vacate judgement shall automatically and *de jure* suspend the proceedings and the execution of the decisions taken, notwithstanding any provisional notice of execution, until such time as the court to which application has been made is able, subject to article 116-3, to hear the plea entered.

**7. United Kingdom of Great Britain
and Northern Ireland**

**THE SPECIALIZED AGENCIES OF THE UNITED NATIONS
(IMMUNITIES AND PRIVILEGES) (AMENDMENT) ORDER, 1985**

Laid before Parliament in draft

Made 20th March 1985

Coming into Operation 3 September 1986

At the Court at Buckingham Palace, the 20th day of March 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 10 of the International Organisations Act of 1968¹⁸ (hereinafter referred to as the Act) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on Her by sections 1 and 10(3) of the Act¹⁹ or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Specialized Agencies of the United Nations (Immunities and Privileges) (Amendment) Order 1985. It shall come into operation on the date on which Annex XV to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations comes into force for the United Kingdom. That date shall be notified in the London, Edinburgh and Belfast Gazettes.

2. The Specialized Agencies of the United Nations (Immunities and Privileges) Order of 1974²⁰ (hereinafter referred to as the Order) shall be amended by the addition at the end of Schedule 1 (international organisations to which the Order applies, and high officers of such organisations enjoying privileges and immunities under Article 15 of the Order) of the following:

“*World Intellectual Property Organization*

“The Director-General

“Any Deputy Director-General

“Any official acting on behalf of the Director-General during his absence from duty”

3. The World Intellectual Property Organization (Immunities and Privileges) Order 1968²¹ is hereby revoked.

NOTES

¹ Reproduced in *Juridical Yearbook*, 1963, p. 3.

² Statutory Rules 1986 No. 64; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

³ Reproduced in *Juridical Yearbook*, 1962, p. 2.

⁴ Statutory Rules 1986 No. 66; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

⁵ Statutory Rules 1986 No. 67; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

⁶ Statutory Rules 1971 No. 30.

⁷ Statutory Rules 1986 No. 68; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

⁸ Statutory Rules 1986 No. 72; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

⁹ Statutory Rules 1967 No. 80; Reproduced in *Juridical Yearbook*, 1967, p. 3.

¹⁰ Statutory Rules 1986 No. 73; notified in the *Commonwealth of Australia Gazette* on 24 April 1986.

¹¹ Provisional National Defence Council Law 150; Notified in the *Gazette* on 13 June 1986.

¹² Reproduced in *Juridical Yearbook*, 1967, p. 37.

¹³ Statutory Instrument No. 242 of 1986.

¹⁴ Statutory Instrument No. 370 of 1986.

¹⁵ Statutory Instrument No. 394 of 1986.

¹⁶ *Diario Oficial* of Mexico of 27 February 1986.

¹⁷ *Official Gazette* of the Republic of Senegal of 15 February 1986.

¹⁸ 1968 c. 48.

¹⁹ Section 1 was amended by section 1 of the International Organisations Act 1981 (c. 9).

²⁰ Statutory Instrument 1974/1260, as amended by Statutory Instrument 1975/1209; reproduced in *Juridical Yearbook*, 1974, p. 7.

²¹ Statutory Instrument 1968/890.